

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEMETRUIS A. NELSON,)	4:07CV86
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on its own motion. On May 16, 2007, this court ordered Respondent to answer or otherwise plead within 30 days. (Filing No. 10.) The court also ordered Petitioner to respond to any answer or motion within 30 days thereafter. (*Id.*) Respondent filed a motion for summary judgment, supporting brief and state court records on June 22, 2007. (Filing Nos. 14, 15, and 16.) However, Petitioner has not responded. Petitioner shall have 30 days from the date of this order in which to respond to Respondent's motion. If no response is filed, the court will rule on Respondent's motion without further notice.

IT IS ORDERED that:

1. Petitioner shall have 30 days from the date of this order in which to file a response to Respondent's motion for summary judgment. In the absence of a response to Respondent's motion for summary judgment, the court will rule on Respondent's motion without further notice.
2. In the event that Petitioner files a response, no later than 30 days after the filing of Petitioner's response, Respondent shall file and serve a reply brief.

3. No discovery shall be undertaken without leave of the court. *See* Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: October 15, 2007: check for the filing of petitioner's response.

September 13, 2007

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge